



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,969	03/01/2006	Thomas Ficker	017P34WOUS	7341
30608	7590	09/01/2011		
GUDRUN E. HUCKETT DRAUDT			EXAMINER	
SCHUBERTSTR. 15A			OMGBA, ESSAMA	
WUPPERTAL, 42289			ART UNIT	PAPER NUMBER
GERMANY			3726	
		MAIL DATE	DELIVERY MODE	
		09/01/2011	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed August 10, 2011 have been fully considered but they are not persuasive.

In response to Applicant's argument that in Fukaya, "No shape or structure such as a mandrel is disclosed; no geometry or contact surfaces or a movement direction illustrated. There is no disclosure as regards an advancing movement or rotation within the inner tube", it is noted that the features upon which Applicant relies (i.e. geometry, contact surface or movement direction) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 26 USPQ 2d 1057 (Fed. Cir. 1993).

In response to Applicant's argument that only minimal forces are applied in the Fukaya reference, the examiner submits that there is claim for any force magnitude.

In response to Applicant's argument that "In Fukaya the roll 8 has only minimal workpiece contact across one of the grooves that has been cut in advance into the inner tube. Only at these predetermined locations a material connection will be produced", the examiner submits that it has been held that "in an obviousness analysis it is not necessary to find precise teachings in the prior art directed to the specific subject matter claimed because inference and creative steps that a person of ordinary skill in the art would employ can be taken into account." *KSR Int'l Co. V. Teleflex Inc.*, 550 U.S. 398, 418 (2007). "If a technique has bee used to improve one process and a person of ordinary skill in the art would recognize that it would improve similar processes in the

same way, using the technique is obvious unless its actual application is beyond his or her skill." See *Id.* at 417. "One of ordinary skill in the art is presumed to have skills apart from what the prior art references explicitly say". See *In re Sovish*, 769 F.2d 738, 743 (Fed. Cir. 1985). "A person of ordinary skill is also a person of ordinary creativity, not an automaton." KSR , 550 U.S. at 421.

The examiner submits that one of ordinary skill in the art, when presented with the teachings of Fukaya would find it obvious to use axial roll forming in other applications and would also understand the proportion and extend of forces to be applied depending on the particular application.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ESSAMA OMGBA whose telephone number is (571)272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Essama Omgbा/
Primary Examiner, Art Unit 3726

eo
August 28, 2011